## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

ANGELINA MONICA SILVA,

Plaintiff,

vs. Civil No. 15-603 SMV

CAROLYN W. COLVIN, Acting Commissioner of the Social Security Administration,

#### Defendant.

# ORDER FOR THE AWARD OF ATTORNEY FEES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d)

THIS MATTER is before the Court on Plaintiff's Motion for Attorney Fees Pursuant to the Equal Access to Justice Act, with Memorandum in Support [Doc. 26], filed on November 23, 2016. The parties having stipulated to EAJA fees in the amount of \$5,000.00 for work performed in 2015 and 2016. The Court being otherwise fully advised in the premises, FINDS that the motion is well-taken and will be **GRANTED IN PART**.

IT IS THEREFORE ORDERED THAT the motion is **GRANTED IN PART**, and **Plaintiff is awarded \$5,000.00 in attorney fees** pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d). See <u>Astrue v. Ratliff</u>, 560 U.S. 586, 591-93 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

Payment of this amount shall constitute a complete release from and bar to any and all claims Plaintiff may have relating to EAJA fees in connection with this action. The parties further agree that the EAJA award is without prejudice to Plaintiff's attorney's right to seek attorney fees pursuant to Social Security Act § 206(b), 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA. See 28 U.S.C. § 2412(c)(1) (2006).

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#### National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

#### New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.